

THE CHAIRMAN: The Clerk will ring the quorum bell.

Are there any further questions of the committee spokesman?

The Chair hears none.

DELEGATE WEIDEMEYER: In regard to section 13 which is imprisonment for debt, the recommendation is identical language with Article III, section 38 of our present Constitution. That goes back a long way. England under the old law there could imprison people for debt.

THE CHAIRMAN: Will you pause just a moment?

The absence of a quorum has been suggested, roll call.

*(Whereupon, a roll call was taken.)*

THE CHAIRMAN: Has every delegate answered roll call?

*(There was no response.)*

The Clerk will record the roll call.

The Committee of the Whole will continue in session, there being a quorum present.

DELEGATE WEIDEMEYER: As you recall the Colony of Georgia was founded by debtors and it has been carried in our Constitution since 1851 as a prohibition for putting people in jail or confinement because of debt.

In 1950 and 1962, there were amendments placed on that which provided, and it now reads:

"No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by the decree of that court for support of a wife or dependent children or for support of illegitimate child or children or for alimony shall not constitute debt within the meaning of this section."

That was on the theory that if they did not comply with a court order to support minor children and wives that there they were not strictly speaking being confined for a debt.

They were being confined for a contempt of the court and for a failure to abide by a court order to comply with their duty to society, and this provision that we have given you is the identical language of Article III, section 38 of our present Constitution, and we feel should be carried over.

Now, there have been decisions of the Maryland Court of Appeals that held that without legislation or without constitutional provision, that they could not imprison persons for contempt of court, for failure to pay alimony in support of children.

For that reason, I imagine that this provision was presented to the people in 1950 and again in 1962 and it is of rather recent origin and has been recently approved by the people.

Now if you would want to delete this, then you would have to make certain that transitory provisions were written which gave the right to imprison for a man's failure to comply with his duty to society, namely, to support his wife and children.

Are there any questions on that?

THE CHAIRMAN: Are there any questions?

Delegate Moser.

DELEGATE MOSER: Delegate Weidemyer, did you all consider the problem of imprisonment for non-support of an indigent parent?

I think that that is an imprisonable offense.

DELEGATE WEIDEMEYER: No, we did not.

THE CHAIRMAN: Are there any other questions?

*(There was no response.)*

The Chair hears none.

Thank you, Delegate Weidemyer.

Section 11 is open for amendment.

Are there any amendments?

The Chair has no amendments.

Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman, there is one being prepared by Delegate Marion and myself, et al.

In fact, I think there are two.

THE CHAIRMAN: What is the state of them, do you know?

DELEGATE BYRNES: They are now being prepared, physically.

THE CHAIRMAN: They have been prepared and being printed or just being written?

DELEGATE BYRNES: They just were presented to Mr. Benson.